

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

AllTech Communications, LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 4:08-cv-00210-TCK-TLW
Robert Brothers, TowerWorx, LLC, Kriz)	
Langholz, Robert Langholz and Laurence)	
Langholz,)	
)	
Defendants.)	

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiff, AllTech Communications, LLC ("Alltech"), and Defendants Robert Brothers ("Brothers"), TowerWorx, LLC ("TowerWorx"), TelWorx, LLC ("TelWorx") and Tim Scronce ("Scronce") pursuant to Fed.R.Civ.P. 7(b) and LCvR 7.2(g), hereby move the court for an amended scheduling order to allow completion of current significant settlement discussion to be completed without the cost of completing significant discovery. In support of this motion, the parties' state:

1. At the parties' joint request, the Court entered a Second Revised Scheduling Order (Second Phase) on May 21, 2010 (Docket No. 94) (the "Second Revised Scheduling Order").

2. Pursuant to the Second Revised Scheduling Order (Docket No. 94), the following remaining deadlines are currently pending:

- 10/1/2010 Discovery Deadline (Interrogatories & Rule 34 requests by 8/30/10)
- 8/20/2010 Final Witness List Exchange*
- 10/26/2010 Final Exhibit List Exchange*

- 8/16/2010 Exchange Rebuttal Expert Reports
- 10/15/2010 Dispositive Motions and Daubert Motions
- 11/26/2010 Motions in Limine
- 10/26/2010 Deposition Designations
Videotape/Interrogatory Designations *
- 11/08/2010 Counter-Designations
- 10/26/2010 Pretrial Disclosures under FRCP 26(a)(3)
- 11/22/2010 Transcripts Annotated with Objections **
- 01/21/2011 Pretrial Order
- 2/11/2011 Jury Instructions, Voir Dire, Trial Briefs
- N/A Proposed Findings of Fact and Conclusion of Law, Trial Briefs
- 2/07/2011 Pretrial Conference at 11:00 a.m.
- 2/22/2011 Trial Date: [x] Jury at 9:30 a.m. [] Non-Jury at 9:30 a.m.
Settlement Conference requested after N/A

The parties request the following revised Scheduling Order deadlines:

- 09/10/2010 Parties with Burden of Proof Designate Experts
Parties exchange Expert Reports *
- 09/24/2010 Parties Designate Rebuttal Expert Witnesses
- 10/1/2010 Exchange Rebuttal Expert Reports *
- 10/08/2010 Final Witness List Exchange *
- 11/12/2010 Discovery Deadline
(Interrogatories & Rule 34 requests by 10/13/2010)
- 12/01/2010 Dispositive Motions and Daubert Motions
- 12/20/2011 Remaining Pretrial Disclosures under FRCP 26(a)(3)(A)
 - Deposition Designations
 - Final Exhibit List
 - Videotape/Interrogatory Designations

- 01/07/2011 Counter-Designations & Objections to Pretrial Disclosures under FRCP 26(a)(3)(B) **
- 01/12/2011 Motions in Limine
- 01/19/2011 Responses to Motion in Limine
- 01/21/2011 Pretrial Order
- 02/07/2011 Pretrial Conference at 11:00 a.m.
- N/A Proposed Findings of Fact and Conclusion of Law, Trial Briefs
- 02/11/2011 Jury Instructions, Voir Dire, Trial Briefs
- 02/22/2011 Trial Date: [x] Jury at 9:30 a.m. [] Non-Jury at 9:30 a.m.
- Settlement Conference requested after N/A

3. Since issuing the Second Revised Scheduling Order, a voluntary mediation has been held. The parties believe that a revised schedule would further their settlement discussions resulting from the mediation. The discussions include a possible business transaction which will take significant time to explore and complete any necessary due diligence.

4. Under the Second Revised Scheduling Order, expert reports for the parties with the burden of proof were due on July 23, 2010 and to designate rebuttal expert witnesses on August 3, 2010. The parties stipulated under Rule 29 to exchange these reports on August 16, 2010, and to designate rebuttal expert witnesses on August 25, 2010. Accordingly, the parties' are proposing new dates for these deadlines which will allow these discussions to be pursued without the cost and time of the parties and counsel to complete significant additional discovery.

5. There have been four previous requests for revision/extension of the Scheduling Order. *See* Joint Motion for Extension of Pretrial Deadlines and Revised Scheduling Order for Second Phase of case (Docket No. 66) (granted, Docket No. 69), Joint Motion for Extension of

Certain Pretrial Deadlines and Revised Scheduling Order for Second Phase of Case (Docket No. 81) (granted, Docket No. 87), Joint Motion to Amend Scheduling Order(Docket No. 92) (granted, Docket No. 93). In addition, in *AllTech Communications v. TelWorx Communications, LLC, and Tim Scronce*, Case No. 09-CV-276-TCK-FHM: Defendants' Unopposed Application for Extension of Time to Respond to Plaintiffs' Complaint (Docket No. 8) (granted, Docket No. 10); and Plaintiffs' Unopposed Motion for Extension of Time to File Response to Defendant TelWorx's Counterclaims and Response to Defendant TelWorx's Motion to Dismiss (Docket No. 19) (granted, Docket No. 20) have been granted.

6. The requested extension is not for the purpose of delay but instead is made to allow the parties' adequate time to complete necessary discovery if the settlement efforts which are being diligently pursued are not successful. Of course, if successful, the time of the Court required to address outstanding Motions and pre-trial matters will be will also be saved.

7. In accordance with LCvR7.2(g), a proposed order is being submitted to the Court contemporaneously with the filing of this Motion.

Wherefore, premises considered, the Parties respectfully request the Court grant this Motion and extend the deadlines as stated above.

Respectfully submitted,

s/ Drew Thomas Palmer

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-and-

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing. Based upon the records currently on file, the Clerk will transmit a Notice of Electronic filing to the following ECF registrants:

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